

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNTARIOUS SIMMONS

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00245-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

Consolidated With

**CATINA HINES on behalf of GREGARIOUS HINES,
a minor**

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00246-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

Consolidated With

**DYLAN HALL a minor, by and through his
Mother and Next Friend, Linda Hall**

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00247-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

Consolidated With

**AKINDRE BROOKS a minor, by and through his
Mother and Next Friend, Brenda Brooks**

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00248-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

Consolidated With

**KIZZY MILAM on behalf of CORDARIUS MILAM,
a minor**

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00249-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

Consolidated With

**GREGORY COLEY a minor, by and through his
Mother and Next Friend, JoANN COLEY**

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00250-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

Consolidated With

**BRANDON BROWN a minor, by and through his
Mother and Next Friend, GLORIA HENDERSON**

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV00251-WAP-JMV

NORTH PANOLA SCHOOL DISTRICT, ET AL.

DEFENDANTS

ORDER CONSOLIDATING CASES

Before the court are motions filed by the defendants in the above styled cases for consolidation of these cases under FED. R. CIV. P. 42(a). Specifically, the defendants seek an order consolidating these cases on the grounds that the individual actions arise out of the same incident, seek the same relief, and involve the same attorneys. The individual plaintiffs do not dispute this, and all respond that they agree to consolidation to the extent that the cases are consolidated for discovery purposes. The plaintiffs object to consolidation for trial purposes, however, claiming that such consolidation will strip them of their individual rights to prove damages, recover for individual harm, and present their own case to a jury.

The plaintiffs' perception of the matter is flawed. While consolidation works to join separate actions into one case for administrative purposes, each individual action retains its separate character, and no plaintiff is deprived of his right to a jury trial or the right to prove his own case. *See Miller v. U.S. Postal Service*, 729 F.2d 1033, 1036 (5th Cir. 2004). Ultimately, no plaintiff has presented the court with any ground beyond conclusory statements why these cases should not be consolidated for all purposes. Nevertheless, this order is without prejudice to any

plaintiff's right to seek a separate trial **within seven (7) days of the close of the discovery period, should adequate grounds arise.** Accordingly,

IT IS ORDERED:

1. That the defendants' motion to consolidate is hereby GRANTED;
2. That the above styled cases are consolidated for all purposes;
3. That *Untarius Simmons v. North Panola School District*, Cause No. 2:11cv245-WAP-JMV, is hereby designated as the lead case;
4. That counsel are directed to indicate in the caption of all documents filed with the court the lead case heading followed by all consolidated case headings and the words "consolidated with" directly under the lead case heading and between all consolidated case headings;
5. That all filings shall be made in the lead case;¹ and
6. That any motion under FED. R. CIV. P. 42(b) is due within 7 days of the close of discovery.

This 9th day of January, 2012.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE

¹However, counsel are advised to select the option to "spread" filings to all other cases when prompted to do so in the ECF system.